

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TESTING TECHNOLOGIES INC. and : ECF CASE
MG PREP, INC., :
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 Plaintiffs, : 07 Civ. 7360 (WHP)
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 :
 -against- :
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 MO MEDIA, LLC, PAUL OWENS, and :
 JOHN DOES 1-10, :
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 :
 Defendants. :
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**REPLY DECLARATION OF MASON A. WEISZ
IN SUPPORT OF MOTION TO DISMISS OR TRANSFER**

Mason A. Weisz declares and states:

1. I am an attorney with Cowan, DeBaets, Abrahams & Sheppard LLP, counsel for defendant Mo Media, LLC in this case. I make this declaration to submit exhibits of documents listed below which are pertinent to Mo Media's motion to dismiss for lack of venue or to transfer the action to the Eastern District of Texas. I personally downloaded the attached exhibits and printed them on February 11, 2008.

2. Exhibit A is a true copy of the online record of the Connecticut Secretary of State for the Connecticut corporation Testing Technologies Inc. This record indicates that Testing Technologies Inc. was formed on March 28, 2005; that Sean Selinger is its Director and Agent; that its business address is 30 Spoonwood Road, Wilton, Connecticut 06897; and that Mr. Selinger's business and residence addresses is 30 Spoonwood Road, Wilton, Connecticut 06897.

3. Exhibit B is a true copy of the WHOIS search result for the internet domain name 800score.com, which lists 800score.com as the registrant and Mr. Selinger as the Administrative and Technical Contact. There is no reference in this document to Testing Technologies Inc.

4. Exhibit C is a true copy of the index page of the internet domain 800score.com and pages from that website concerning GMAT test preparation services. There is no reference in these web pages to Testing Technologies Inc. or to the LSAT test.

5. Exhibit D is a true copy of eight (8) pages printed from the internet domain lsat-center.com and one page from the domain 800score.com. In a footnote on the home page of www.lsat-center.com is the statement "GMAT and GRE prep through 800score.com." On the bottom of the second page of Exhibit D, www.lsat-center.com/lsat-course.html, there is a link called "Order LSAT Center Course (3 LSAT practice test & prep guide) \$23.99." This link takes the user to the last page of Exhibit D, which is a page on the 800score.com website called www.800score.com/lsat-course.shtml, though the heading on the page is called The LSAT Center. I found no reference to Testing Technologies Inc. on any of the pages of the domain lsat-center.com.

6. Attached as Exhibit E is a true copy of the WHOIS search result for the internet domain name lsat-center.com, which lists Test Prep Online as the registrant and Ed Falls as the Administrative and Technical Contact. There is no reference in this document to Testing Technologies Inc.

7. Attached as Exhibit F is a true copy of six (6) pages printed from the internet domain gmat-mba-prep.com, with the heading, "GMAT Prep and MBA Admissions Info." On the first page, under the heading and link "GMAT Prep Course Options," it states "The two main options are an online prep course or a classroom GMAT course." This link takes you to a page which describes the online offerings of 800score.com, for \$39.95, with a link to its site, under the heading "Online GMAT Course," and refers to Veritas Prep classroom course, for \$1,500. This website also refers to the GMAT classes offered by "Manhattan GMAT," the link for which takes you to www.manhattangmat.com, the website allegedly owned by plaintiff MG Prep, Inc.

8. Attached as Exhibit G is a true copy of the WHOIS search result for the internet domain name gmat-mba-prep.com, which lists Online Test Prep as the registrant and Ed Falls as the Administrative and Technical Contact.

9. Attached as Exhibit H is a true copy of two pages printed from the website at manhattangmat.com, with the heading "GMAT Preparation Courses - Manhattan GMAT," the second without the graphic images, which did not print out with the text. Plaintiff MG Prep, Inc. alleges in the amended complaint that this is its primary website. The "Corporate Office" address listed on the website is 138 West 25th Street, 7th Floor, New York, NY 10001.

10. Attached as Exhibit I is a true copy of the WHOIS record for the internet domain name manhattangmat.com, which lists MANHATTAN GMAT as the registrant and Administrative and Technical Contact, with an address at 250 West 100th Street, Suite 500, New York, NY 10025.

11. Attached as Exhibit J are three pages from the official website of the Comptroller of the State of Texas which state that Mo Media LLC is in good standing, has its office at 3827 Phelan Blvd. #179, Beaumont, Texas 77707, and that its two owners are Paul Owens and Peter Morrison.

12. Attached as Exhibit K are the home page and several product pages from the website www.mo-media.com, indicating that it offers flashcards and study guides for a wide variety of standardized tests, including the GMAT, GRE, and LSAT.

13. Attached as Exhibit L is a true copy of the WHOIS search result for the internet domain name mo-media.com, which lists Morrison Media LLC, 3827 Phelan Blvd. #179, Beaumont, Texas 77707, as the Registrant, and Administrative and Technical Contact.

14. Attached hereto as Exhibit M is the Mo Media's Assumed Name Certificate for the name Morrison Media LLC, which I obtained from the online files of the Office of the Secretary of State of Texas Corporations Section.

15. Paragraph 11 of the First Amended Complaint falsely states as follows: "MO MEDIA offers many of its GMAT products on various websites. One is at <http://www.mo-media.com/nystce> which is for New York State Teacher Certification Examinations (NYSTCE) and the other is at <http://www.mo-media.com/cuny/> which targets students trying to become admitted to the City University of New York (CUNY)." In fact, neither contains any mention of the GMAT. Attached hereto as Exhibits N and O, respectively, are printouts of those web Pages.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: February 11, 2008
New York, New York

s/ Mason A. Weisz (MW-5954)